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09400HB4438ham002

LRB094 18374 RLC 55168 a

1 AMENDMENT TO HOUSE BILL 4438

2 AMENDMENT NO. _____. Amend House Bill 4438, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by
6 changing Sections 16G-21 and 16H-1 and by adding Section 16G-13
7 as follows:

8 (720 ILCS 5/16G-13 new)

9 Sec. 16G-13. Facilitating identity theft.

10 (a) A person commits the offense of facilitating identity
11 theft when he or she is an employee of the State of Illinois
12 who in the course of his or her official duties has access to
13 personal identifying information of another person, whether
14 written, recorded, or on computer disk and knowingly, with the
15 intent of committing identity theft, aggravated identity
16 theft, or any violation of the Illinois Financial Crime Law,
17 disposes of that written, recorded, or computerized
18 information in any receptacle, trash can, or other container
19 that the public could gain access to, without shredding that
20 information, destroying the recording, or wiping the computer
21 disk so that the information is either unintelligible or
22 destroyed.

23 (b) Sentence. Facilitating identity theft is a Class A
24 misdemeanor for a first offense and a Class 4 felony for a

1 second or subsequent offense.

2 (720 ILCS 5/16G-21)

3 Sec. 16G-21. Civil remedies. A person who is convicted of
4 facilitating identity theft, identity theft, or aggravated
5 identity theft is liable in a civil action to the person who
6 suffered damages as a result of the violation. The person
7 suffering damages may recover court costs, attorney's fees,
8 lost wages, and actual damages.

9 (Source: P.A. 92-686, eff. 7-16-02; 93-401, eff. 7-31-03.)

10 (720 ILCS 5/16H-1)

11 Sec. 16H-1. Short title. This Article may be cited as the
12 Illinois Financial Crime Law ~~Act~~.

13 (Source: P.A. 93-440, eff. 8-5-03.)".